

HOUSE JOURNAL
of the
ONE HUNDRED FIRST GENERAL ASSEMBLY
of the
STATE OF TENNESSEE
TUESDAY, JANUARY 12, 1999
FIRST ORGANIZATIONAL DAY

The House met at 12:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. George Gracey, First Presbyterian Church, Clarksville, Tennessee.

Representative McMillan led the House in the Pledge of Allegiance to the Flag.

The House stood in a moment of silence in honor of the late Senator Tommy Burks.

The Speaker requested that the Clerk read the names of the members elect by district.

REPRESENTATIVES BY DISTRICT

First Representative District--Steve Godsey

Second Representative District--Keith Westmoreland

Third Representative District--Jason Mumpower

Fourth Representative District--Ralph Cole

Fifth Representative District--Zane C. Whitson, Jr.

Sixth Representative District--David Davis

Seventh Representative District--Bob Patton

Eighth Representative District--Joe McCord

Ninth Representative District--Ken Givens

Tenth Representative District--Stancil Ford

Eleventh Representative District--Ronnie E. Davis

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Twelfth Representative District--Richard Montgomery

Thirteenth Representative District--Harry J. Tindell

Fourteenth Representative District--H. E. Bittle, Jr.

Fifteenth Representative District--Joseph E. Armstrong

Sixteenth Representative District--Bill Dunn

Seventeenth Representative District--Jamie Hagood

Eighteenth Representative District--Steven Buttry

Nineteenth Representative District--Jim Boyer

Twentieth Representative District--Howard Kerr

Twenty-first Representative District--Douglas E. Gunnels

Twenty-second Representative District--J. Chris Newton

Twenty-third Representative District--Robert (Bob) McKee

Twenty-fourth Representative District--Dewayne Bunch

Twenty-fifth Representative District--Raymond Walker

Twenty-sixth Representative District--Bobby G. Wood

Twenty-seventh Representative District--Bill H. McAfee

Twenty-eighth Representative District--Tommie F. Brown

Twenty-ninth Representative District--Brenda Kaye Turner

Thirtieth Representative District--Jack Sharp

Thirty-first Representative District--Arnold A. Stulce

Thirty-second Representative District--Dennis J. Ferguson

Thirty-third Representative District--Gene M. Caldwell

Thirty-fourth Representative District--Mark Goins

Thirty-fifth Representative District--Dennis E. Roach

Thirty-sixth Representative District--William Baird

Thirty-seventh Representative District--Shelby A. Rhinehart

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Thirty-eighth Representative District--Leslie E. Winningham

Thirty-ninth Representative District--George Fraley

Fortieth Representative District--Frank Buck

Forty-first Representative District--John Mark Windle

Forty-second Representative District--Jere L. Hargrove

Forty-third Representative District--Charles Curtiss

Forty-fourth Representative District--Michael Ray McDonald

Forty-fifth Representative District--Diane Black

Forty-sixth Representative District--Stratton Bone

Forty-seventh Representative District-- Doyle "Butch" Lewis

Forty-eighth Representative District--John Hood

Forty-ninth Representative District--Mary Ann Eckles

Fiftieth Representative District--Tim Garrett

Fifty-first Representative District--Robb Robinson

Fifty-second Representative District--Rob Briley

Fifty-third Representative District--John Arriola

Fifty-fourth Representative District--Edith Taylor Langster

Fifty-fifth Representative District--Gary Odom

Fifty-sixth Representative District--Beth Halteman Harwell

Fifty-seventh Representative District--Mae Beavers

Fifty-eighth Representative District--Mary Pruitt

Fifty-ninth Representative District--Sherry Stoner Jones

Sixtieth Representative District--Ben West, Jr.

Sixty-first Representative District--Charles Sargent

Sixty-second Representative District--Clarence (Pete) Phillips

Sixty-third Representative District--L. Mike Williams

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Sixty-fourth Representative District--Bobby Sands

Sixty-fifth Representative District--Joe Fowlkes

Sixty-sixth Representative District--Eugene E. (Gene) Davidson

Sixty-seventh Representative District--Kim A. McMillan

Sixty-eighth Representative District--Tommy Head

Sixty-ninth Representative District--Doug Jackson

Seventieth Representative District--John White

Seventy-first Representative District--Randy Rinks

Seventy-second Representative District--Steve McDaniel

Seventy-third Representative District--Matt Kisber

Seventy-fourth Representative District--John C. Tidwell

Seventy-fifth Representative District--L. Don Ridgeway

Seventy-sixth Representative District--Mark Maddox

Seventy-seventh Representative District--Phillip Pinion

Seventy-eighth Representative District--Ronnie M. Cole

Seventy-ninth Representative District--Paul E. Phelan

Eightieth Representative District--Page Walley

Eighty-first Representative District--Jimmy Naifeh

Eighty-second Representative District--Craig Fitzhugh

Eighty-third Representative District--Joe Kent

Eighty-fourth Representative District--Joe Towns, Jr.

Eighty-fifth Representative District--Larry Turner

Eighty-sixth Representative District--Barbara Cooper

Eighty-seventh Representative District--Kathryn I. Bowers

Eighty-eighth Representative District--Larry J. Miller

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Eighty-ninth Representative District--Carol Chumney

Ninetieth Representative District--John DeBerry

Ninety-first Representative District--Lois M. DeBerry

Ninety-second Representative District--Henri E. Brooks

Ninety-third Representative District--Michael L. Kernell

Ninety-fourth Representative District--Larry Scroggs

Ninety-fifth Representative District--Curry Todd

Ninety-sixth Representative District--Joyce B. Hassell

Ninety-seventh Representative District--Tré Hargett

Ninety-eighth Representative District--Ulysses Jones, Jr.

Ninety-ninth Representative District--W.C. Pleasant

OATHS OF OFFICE OF REPRESENTATIVES-ELECT

All Representatives-elect stood and were administered the oath of office by the Honorable Janice Holder, Associate Justice, Tennessee Supreme Court, as prescribed by the State Constitution and the Statutes of Tennessee.

The Speaker congratulated the members of the One Hundred First General Assembly.

Senator Cooper and a committee from the Senate reported that the Senate had completed its organization and was ready for the transaction of business. The Speaker accepted the Senate report.

MESSAGE FROM THE SENATE January 12, 1999

Mr. Speaker: I am directed by the Senate to notify the House that the Senate has perfected its organization and is ready for the transaction of business.

The Honorable John S. Wilder of Fayette County was elected Speaker of the Senate. The Speaker appointed Mr. Clyde W. McCullough, Jr., Chief Clerk; Mr. Rick Nicholson, Assistant Chief Clerk; Mrs. Deb Stutz, Chief Engrossing Clerk and Mr. Bill Pritchett, Chief Sergeant at Arms.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

**REPORT OF THE HOUSE AD HOC
COMMITTEE ON RULES**

JANUARY 11, 1999

**THE HOUSE AD HOC COMMITTEE ON RULES MET ON JANUARY 11, 1999 AND
RECOMMENDED THAT THE FOLLOWING BE ADOPTED AS THE TEMPORARY RULES
OF THE HOUSE OF REPRESENTATIVES FOR THE 101st GENERAL ASSEMBLY.**

**CHAIRMAN HARGROVE; VICE-CHAIR MCDANIEL; SPEAKER PRO TEMPORE
L. DEBERRY; REPRESENTATIVES ARRIOLA; BOYER; CHUMNEY; FORD; KISBER;
MILLER; PHILLIPS; RINKS; SARGENT; SCROGGS; MR. SPEAKER NAIFEH.**

TEMPORARY RULES OF ORDER

of the

**TENNESSEE
HOUSE OF REPRESENTATIVES**

One-Hundred First General Assembly

1. SPEAKER TO CONVENE HOUSE. At the hour to which the House shall have been adjourned, the Speaker shall proceed to the dais and announce that the House is in session in accordance with the adjournment motion previously made. The Speaker shall then call the House to order and, after appropriate opening ceremonies, call for the regular order of business, beginning with a roll call to determine that a quorum is present. A quorum of the House of Representatives shall be as defined by the Constitution of the State of Tennessee: "Not less than two-thirds of all the members to which each house shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members." Article 2, Section 11, Constitution of the State of Tennessee.

2. SPEAKER TO PRESERVE ORDER. The Speaker shall preserve order and decorum and may speak to points of order in preference to other members. The Speaker will have the authority to set the guidelines for decorum.

3. OTHER DUTIES OF SPEAKER. The Speaker shall supervise the preparation of the daily Journal and shall have general direction of the Representative Chamber in accordance with the authority granted under the Rules of the House.

4. ORDER IN GALLERY OR LOBBY. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or the Chair of the Committee of the Whole shall have power to order the same to be cleared.

5. FORMS OF QUESTIONS. Questions shall be put directly in this form: "Representatives in favor of (then state the proposition) say 'Aye' and, after the affirmative will be expressed, "Representatives who are opposed, say 'No'." If the Speaker doubt, or a roll call be requested, as provided in Rule 29, a roll call vote shall be taken.

6. SPEAKER TO APPOINT COMMITTEES. The Speaker shall appoint all committees, unless otherwise directed by the House, in which case they shall be elected by a vote of the House; and if, upon the first ballot, there be no election, a second ballot shall be taken, in which a plurality of votes shall elect. The Speaker shall, in appointing committees, give consideration to the abilities, preferences and seniority of the members and the political party representation in the House. No member shall be appointed to serve on more than two (2) standing committees, exclusive of the Committee on Calendar and Rules. Provided, however, for purposes of the 101st General Assembly, as many as fifteen (15) members may be appointed to serve on the Children and Family Affairs Committee, as well as to serve on two other standing committees.

7. SPEAKER TO APPOINT COMMITTEE OFFICERS. The Speaker shall appoint one (1) chair, one (1) vice-chair, and one (1) secretary for each of the standing committees and for the Committee on Calendar and Rules. Any officer of any committee, with the approval of the Speaker, may choose to be a member of only one (1) committee. In appointing committee officers, the Speaker shall consider the abilities, preferences and seniority of members and the political party representation in the House.

8. SPEAKER PRO TEMPORE. A Speaker pro tempore of the House of Representatives shall be elected by the membership of the House during the organizational session of the General Assembly. The Speaker pro tempore shall serve until a successor is chosen or until the expiration of such speaker's term, whichever shall first occur. The Speaker pro tempore shall act during the absence of the Speaker, except that the Speaker shall have the right to name any member to perform the duties of the Chair for a period not to exceed one (1) legislative day. In the absence of the Speaker and the Speaker pro tempore, it shall be the duty of the Clerk to call the House to order and call the roll for the election of a temporary Speaker. In the event of an interim vacancy of the office of Speaker, through death or resignation, or in the event of disability of the Speaker, the Speaker pro tempore shall conduct the necessary business of the House only until such time as an election can be held in the House to fill the vacancy.

9. CHIEF CLERK. There shall be a Chief Clerk of the House of Representatives who shall be appointed by the Speaker and who shall serve until a successor is chosen. The Chief Clerk shall keep open the Office of the Clerk during and between sessions of the General Assembly on a permanent basis and shall transact efficiently such business as is assigned or required by law or rules of the House, both during and between sessions. The Chief Clerk shall take an oath to support the Constitution of the United States and of the State of Tennessee and to truly and faithfully discharge the duties of the office to the best of such clerk's knowledge and ability.

10. APPOINTMENT OF HOUSE OFFICERS. The Speaker shall appoint such employees as clerks, sergeant-at-arms, pages, and other House employees as are necessary for the proper transaction of the business of the House.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

11. VOTES REQUIRED FOR CHOICE. In all votes other than those specifically provided for herein, a majority of those present and voting shall be necessary to a choice, a quorum being present.

12. ORDER OF BUSINESS. The reading of the daily Journal for the preceding day shall not be required; provided, however, that upon appropriate motions, the House may direct that the same be read. Any corrections in the Journal shall be suggested by individual members under the order of Unfinished Business.

After appropriate opening ceremonies, the Speaker shall call for the following:

- (1) Roll Call
- (2) Personal Orders
- (3) Introduction of Resolutions
- (4) Senate Joint Resolutions (Congratulatory, Memorializing)
- (5) Resolutions Lying Over
- (6) Introduction of Bills
- (7) Senate Bills on First Consideration
- (8) Senate Bills on Second Consideration
- (9) House Bills on Second Consideration
- (10) Petitions and Memorials
- (11) Reports from Standing Committees
- (12) Reports from Select Committees
- (13) Calendars
- (14) Unfinished Business
- (15) Announcements
- (16) Roll Call

13. SPECIAL ORDER. It shall require an affirmative vote by two-thirds (2/3) of the members to which the House is entitled under the Constitution to set a special order of business; however, when a motion has been made to set for a special order any bill, resolution, or motion, the motion having failed for lack of a two-thirds majority but having received a majority vote of the members of the House present, it shall be in order, upon the demand of five (5) members of the House, for the Committee on Calendar and Rules to meet and report for the adoption or rejection by a majority vote of the House a rule or order fixing a time for the consideration of said bill or measure. It shall require a majority vote of the members of the House to postpone any special order set.

14. NUMBER OF SPECIAL ORDERS PERMISSIBLE WITHOUT RE-REFERRAL. After a bill has been scheduled for third consideration, the sponsor of any bill or resolution may before the House request another date for third consideration, and the bill or resolution shall be so scheduled, however, the sponsor of any bill or resolution shall only have the right to make such a request three (3) times on any particular bill or resolution. If the House does not consider the bill or resolution on or before the fourth such scheduled time, the bill or resolution shall be automatically re-referred to the Committee on Calendar and Rules.

15. PETITIONS AND MEMORIALS - BRIEF STATEMENT. Before any petition or memorial addressed to the House shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be filed with the Chief Clerk.

16. SYSTEM ENTRY CODE. Before any bill or resolution can be accepted by the Chief Clerk for the purpose of pre-filing and assigning a number, or any committee amendment or any other amendment in the first degree can be accepted for the purpose of attaching it to a bill, the document in question shall have a system entry code affixed thereto by the Office of Legal Services.

17. RESOLUTIONS. Resolutions shall be pre-filed with the Office of the Chief Clerk by 4:00 p.m. for introduction the following day and referral to the appropriate standing committee. However, all congratulatory and memorializing resolutions shall automatically be introduced the day of filing or the first legislative day thereafter and placed on the next Consent Calendar in accordance with Rule No. 50.

Joint resolutions calling for joint conventions shall be referred by the Speaker to a committee consisting of the Speaker, the Majority Leader and the Minority Leader for immediate consideration. The committee shall report its recommendations concerning the proposed joint convention to the House.

18. DUTIES OF MEMBERS TOWARD SPEAKER. No member shall be recognized by the Speaker unless the member addresses the chair from such member's desk. In all cases the member who shall first rise shall be entitled to speak first; but when two (2) or more members shall rise at the same time, the Speaker shall name the member who shall speak first.

When any member is about to speak in debate or deliver any matter whatever to the House, such member shall rise, and respectfully address the chair and await the notice of the Speaker. After recognition by the Speaker, the member shall proceed with making remarks which strictly conform to the question under debate and avoid all personalities.

19. TRANSGRESSION OF RULES BY MEMBER. Any member who, in speaking or otherwise, transgresses the Rules of the House, the Speaker shall, or any other member may, call such transgressing member to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case without debate. If there be no appeal, the decision of the Chair shall prevail. If the decision be in favor of the member called to order, such member shall be permitted to proceed, without leave of the House. If otherwise, such member shall not be permitted to proceed. In case any member objects and continues, without leave of the House, and if the case require it, such member shall be liable to the censure of the House.

20. ATTENDANCE OF MEMBERS REQUIRED. No member shall be absent from service in the House without leave first obtained; and in case a less number than the quorum of the House shall convene, the Speaker is hereby authorized to send the Sergeant-at-Arms, or any other person or persons, for any or all absent members. This shall be done at the expense of such absentees, respectively, unless such excuse for nonattendance shall be rendered as the House, when a quorum is convened, shall deem sufficient.

21. TIME LIMITS OF DEBATE. Each member shall be limited to fifteen (15) minutes in such member's opening remarks and shall be limited to ten (10) minutes in rejoinder in discussion upon the floor of the House, EXCEPT by a majority of the members present, the House may increase or decrease the limitations of time herein set out for debate on a particular bill, resolution or motion.

22. PERSONS ADMITTED ON FLOOR OF HOUSE. The Sergeant-at-Arms shall admit no person into the House Chamber thirty (30) minutes prior to and during any session except members of the General Assembly, employees of the House as designated by the Speaker of the House, employees of the Senate as designated by the Speaker of the Senate, employees of the Office of Legal Services, employees of the Office of Legislative Information Services, Fiscal Review Committee staff, as designated by the Speaker of the House, members of the Capitol Hill Press Corps as designated by the chair of the Corps and approved by the Speaker of the House, and the Chaplain and the Physician of the Day. All visitors and spectators shall have access to the gallery so long as they preserve order.

23. EVERY MOTION MUST BE SECONDED. Every motion must be seconded by some member of the House other than the proponent of the motion and upon failure of a second, the Speaker shall declare the motion failed for lack of a second.

24. MOTION REDUCED TO WRITING. The Speaker may require any motion to be reduced to writing and placed on the desk of the Clerk.

25. WHAT MOTION DEBATABLE. All motions shall be subject to debate except the following motions:

- (1) To adjourn
- (2) Lay on the table
- (3) For the previous question

Provided, however, the proponent of any motion sought to be tabled shall have the right to be heard after the motion to table is made and before said motion to table is put to vote.

26. PRECEDENCE OF MOTIONS. When any question or motion is under debate in the House, the following motions only shall be in order and may be entertained by the Speaker:

- (1) To adjourn
- (2) To lay on the table
- (3) For the previous question
- (4) To postpone to a day certain
- (5) To commit or recommit
- (6) To amend

Each of said motions shall take precedence in the order set out herein.

27. NO MOTION TO ADJOURN UNTIL FURTHER BUSINESS. When a motion to adjourn shall have been made and failed, the Speaker shall not entertain another motion to adjourn until some business has been transacted since the last motion to adjourn was voted upon.

28. WHEN MOTION NOT TO BE ENTERTAINED BY SPEAKER. After the Speaker has submitted a question or after there has been a roll call or count of the House, the Speaker shall not entertain or recognize a member on a point of personal privilege or otherwise until a decision of the House has been declared by the Chair. At any other time, a member may rise to a point of personal privilege but such member shall confine such remarks to questions affecting the rights, reputation and conduct of the member in such member's official capacity, and shall not address remarks to any question germane to substantive matters being considered.

29. DEMAND OF ROLL CALL. Any question or motion (except final passage of a bill) may be put to the House by a voice vote at the discretion of the Speaker; provided, however, that, as required by the Constitution of Tennessee, any five (5) members of the House may require a roll call of the membership of the House and said members desiring a roll call shall indicate their desire by raising their hands. All votes taken upon final passage on third consideration of a general bill and all votes taken on demand by any five (5) members as provided for shall be taken by the electronic roll call system, provided that the Speaker may require the calling of the names of the members in alphabetical order and each member shall then answer "Aye" or "No" when such member's name is called by the Clerk without debate. Whenever the electronic roll call system is used, the Clerk shall preserve the record of the votes of the members by making the printed roll call as authenticated by the roll call system a part of the rough journal. All members casting votes by the electronic roll call machine shall be at their proper desks at the time for voting with the exception of the Speaker and sponsor moving passage of the bill under consideration. In the event the electronic roll call system is inoperative, all questions shall be put to the House by voice vote or by calling the roll as circumstances may require.

30. EXPLANATION OF VOTE. Any member may have written into the Journal an explanation of such member's vote on any particular motion, resolution, or bill by presenting to the Clerk an appropriate explanation in typewritten form.

31. CHANGE OF VOTE. Any member's vote on a roll call vote may be changed if such member requests such change before the result of the roll call is announced by the Speaker. After the result of the roll call is announced by the Speaker, no member may change such vote and the Journal entry shall not be altered. However, any member not voting at the time the roll call was taken, or any member voting on the original question but wishing to express a desire to change such member's original stand, may, have entered on the Journal a typewritten statement of support or of opposition to the question upon which the vote was taken.

32. APPEALS TO HOUSE ON RULINGS OF SPEAKER. Any five (5) members of the House may appeal to the House from the ruling of the Speaker and a majority vote of the members present shall decide the appeal.

No member shall speak more than twice on the appeal except with the permission of the majority of the members present.

33. WHO MAY ADDRESS SPEAKER. No one may address the Speaker except a member of the House.

34. DIVISION OF QUESTION IN DEBATE. If the question in debate contains several points, any member may have the same divided; but no bill shall be divided on third and final consideration.

35. OTHER PAPERS. When the reading of a paper is called for and the same is objected to by any member, it shall be decided by a vote of the House without debate. Distribution of other papers to the desks of the members can only be accomplished upon request of a member of the House and must reflect the name of the requesting member.

36. PREVIOUS QUESTION. The previous question shall only be admitted when demanded by two-thirds (2/3) of the members present. It may be applied to the main question, the main question and amendment, or to the main question and amendment to the amendment.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

If the question prevails on the main motion, its effect shall be to preclude all future amendments and terminate all debate. The proponent of the motion, amendment, resolution or bill shall have the right to close the debate thereon, and no call for the previous question shall cut off this right. However, when the demand for the previous question has been made and rejected under the foregoing provision but received a majority vote of the members of the House, it shall be in order, upon the demand of any five (5) members of the House, for the Committee on Calendar and Rules to meet and fix or limit the time in which debate on said question shall be closed, which decision shall be binding upon all membership of the House.

37. TABLED MOTION - HOW REMOVED, ETC. When any bill, resolution, or motion is laid on the table by a vote of the House, it shall require a two-thirds (2/3) vote of those members present to take it from the table; but it shall require only a majority of the votes (a quorum being present) to lift from the table a vote rejecting a bill, resolution, or a motion.

38. BILLS DISPLACED BY SUBSTITUTION TABLED. When a bill has been substituted for another bill, the bill displaced by the substitution shall be considered as tabled.

39. WHEN BILL OR RESOLUTION FAILS TO RECEIVE CONSTITUTIONAL MAJORITY. When any bill or resolution is voted upon, but fails to receive a constitutional majority, the same shall be automatically re-referred to the Committee on Calendar and Rules. Any bill so re-referred during the final seven (7) days of the session shall not be again placed on the calendar for consideration during that session unless called for by a favorable vote of two-thirds (2/3) of the members to which the House is entitled under the Constitution, in which case it shall be placed in the next available position on the calendar for a succeeding day. However, no bill or resolution may be voted on more than twice during this General Assembly.

40. MOTION TO RECONSIDER FOLLOWING FINAL PASSAGE. When a vote on final passage of a bill has been made and carried in the affirmative or negative, it shall be in order for any member voting with the prevailing side to move for a reconsideration thereof, at any time the same day or the next succeeding day of actual session. If the member moving the reconsideration shall request that motion be entered upon the Journal, it shall be done, and such member shall have exclusive control of the motion during that day and the next succeeding day of actual session; providing the motion has been duly seconded; and the motion shall be a privileged motion, taking precedence, when called up, over all other business. Thereafter, it may be called up by any member and disposed of by the House; however, no motion to reconsider a reconsideration shall be in order. No motion to reconsider shall be placed upon the Journal during the last seven (7) legislative days of any annual session.

41. NO CROWDING ABOUT CLERK'S DESK. Members shall not crowd or stand about the Clerk's desk.

42. WHO ALLOWED IN ROOMS OF CLERKS. No persons other than members and employees of the General Assembly shall be allowed in the offices of the Chief Clerk and Chief Engrossing Clerk during the period the House is in floor session.

43. INFORMATION REQUIRED ON COVERS OF BILLS AND RESOLUTIONS. Every bill or resolution introduced shall be typewritten on not less than a full page of paper, in original and one copy and the copy shall have the following statement on the cover: "I certify that the within bill (resolution) is a true copy of the original which was introduced this date.

Date Signature."

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Each bill or resolution and all copies shall be enclosed in manuscript covers and shall bear the signature(s) of the sponsor(s) on said covers and said covers shall also contain a succinct statement of the purpose or nature of said bill or resolution.

No member shall be permitted to be added as a sponsor to a bill or resolution without the written permission of the first prime sponsor; provided, however, if a piece of legislation purports to name a public facility (bridge, building, etc.), the member who represents the district in which said facility lies shall be allowed to be added as a prime sponsor. Only the first prime sponsor may request that a bill be put on notice. However, the first prime sponsor may designate in writing, filed with the office of the house clerk, such other prime sponsor(s) who shall have all the rights of the first prime sponsor as to action on a bill.

The Chief Clerk shall delete the name of any member who is not the only prime sponsor from any bill or resolution upon receipt of such request in writing.

When a member introduces a bill or resolution, the Clerk shall immediately give the same a House number. The copy shall remain on file with the Clerk's Office.

44. FILING OF BILLS FOR INTRODUCTION.

(a) Bills which have not been assigned a system entry code by the Office of Legal Services shall not be accepted for filing or pre-filing by the Office of the Chief Clerk.

(b) All bills for introduction shall be filed with the Chief Clerk no later than 4:00 p.m. on the day preceding the date of introduction.

(c) In the interim between sessions, any member of the House may pre-file a bill or resolution for introduction in the next session and the procedure shall be as follows:

(1) The bill or resolution shall be filed with the Chief Clerk of the House by the member in the number and form prescribed by the Rules of the House.

(2) The Chief Clerk shall number the bill or resolution and note thereon the date of the first day of the next session, on which the bill or resolution will be introduced and, in the case of bills, will pass first consideration.

(3) After written request of the sponsor of a pre-filed bill or resolution, the Speaker of the House may refer the bill or resolution to the appropriate committee to be studied and considered by the committee, or a subcommittee thereof, during the interim between sessions.

45. BILLS TO BE NUMBERED. Each bill introduced shall be numbered in numerical order by the Clerk and said bill shall bear said number and be designated by said number in all future considerations of the same in the House. No bill shall be assigned a number by the Clerk or be referred by the Speaker to a committee for consideration unless it contains a title or caption; an enacting clause stating, "Be it enacted by the General Assembly of the State of Tennessee;" and language following the enacting clause purporting to state new law or to amend or repeal existing law. Further, no bill that has not been assigned a system entry code by the Office of Legal Services shall be accepted or numbered by the Office of the Chief Clerk.

46. ONE CONSIDERATION PER DAY'S SESSION. Only one (1) consideration of a bill may be had in the House in any day's session.

47. SECOND CONSIDERATION - REFERRED TO COMMITTEE. After the passage of a bill on second consideration, all general bills shall be referred by the Speaker to the appropriate committee. Any bill certified by its sponsor to be a caption bill or which is deemed so by the Speaker, shall receive first and second consideration and then shall be held on the Clerk's desk pending the filing of an amendment in proper form. After the filing of the amendment, the bill shall be referred by the Speaker to the proper committee.

48. LOCAL BILLS TO COMMITTEE - WHEN. Local bills may be referred by the Speaker to appropriate committees if, in the discretion of the Speaker, the nature and effect of said local bills shall require it. Other local bills, after having received the authorization of the local legislative delegation, shall automatically be placed on the Consent Calendar in accordance with Rule No. 50.

49. DUTIES OF COMMITTEE ON CALENDAR AND RULES CONCERNING CALENDAR. All bills having been considered and reported out of the standing committee to which referred shall be automatically transmitted to the Committee on Calendar and Rules without further reference by the Speaker; and no bill of general nature shall be considered for third and final passage until a written calendar, from the Committee on Calendar and Rules, giving notice of such bill, has been posted in a regular place in the House Chamber at least forty-eight (48) hours prior to such consideration. Not more than twenty-five (25) general bills shall be placed on the calendar for final consideration on any one (1) day, and this number shall include any bills carried over from previous calendars or any bills set for special order. Should the House not complete any day's calendar, all bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered, provided that only so many of the said bills shall be carried over as will not cause the total to be considered on that day to exceed the aforesaid limit. Any bills remaining to be carried over in excess of that number shall be placed at the head of the calendar on a succeeding day or days, within the daily maximum of twenty-five (25). The foregoing maximum limitation on bills for daily consideration may be suspended by the Committee on Calendar and Rules by a two-thirds (2/3) vote of the total membership of said committee.

50. CONSENT CALENDAR. Any bills or resolutions which are not controversial in nature shall be placed on a Consent Calendar by the officers of the Committee on Calendar and Rules, except for those resolutions placed on the Consent Calendar pursuant to Rule No. 17. The Consent Calendar shall be printed and posted in a regular place in the House Chamber at least seventy-two (72) hours in advance of the time for such consideration.

Any member may object in writing to a bill or resolution on the Consent Calendar and if objection is raised, the bill or resolution shall be removed from the Consent Calendar and placed at the foot of the regular calendar for consideration on the day following removal from the Consent Calendar; provided, however, that any bill or resolution objected to and removed from the Consent Calendar on the final day of a session shall be placed at the foot of the regular calendar on that day.

Upon a motion for passage of the Consent Calendar pursuant to Rule 50, the appropriate language shall be spread in the Journal:

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

"all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in."

51. SPONSOR OF BILL AND CHAIR OF STANDING COMMITTEE PROPOSING AMENDMENT TO BILL MUST BE PRESENT. No bill may be considered on third and final reading unless the sponsor of said bill and the chair, or the chair's designee, of a standing committee which has recommended any amendment or amendments to the bill shall be present in the House, unless such sponsor or chair shall have previously indicated in writing to the Speaker permission for same to be brought up in such member's absence. However, if such sponsor, the chair or the chair's designee is not present in the House within one (1) hour from the time the bill is reached on the calendar, or the calendar is completed, this requirement is waived and the House may proceed to consider the bill in the absence of such sponsor, the chair or the chair's designee.

52. SUBSTITUTE SPONSOR OF BILL. Upon the death or disability requiring the absence from the House of any sponsor of a bill, the Speaker may name one (1) of the cosponsors of said bill as sponsor, and if only one (1) person shall have signed said bill as sponsor, and said sponsor becomes unable to be present in the House, the Speaker may name any person favorable to said bill as sponsor.

53. RECALL OF BILL FROM COMMITTEE. Except during the organizational session, after any bill or other matter shall have been in any committee for seven (7) days, the same may be called for by two-thirds (2/3) of the members to which the body is entitled under the Constitution and placed upon the calendar of the House. Such action shall be in order only after a signed notice giving the number of the bill to be called for has been filed with and announced by the Clerk at least one (1) day prior to offering a motion to withdraw said bill from the committee in which it is held. When a bill has been recalled from a committee to which it was assigned by the Speaker or from the Committee on Calendar and Rules, it shall be placed at the top of the calendar on the next day on which general bills are considered. Should such a bill be recalled from committee in the manner provided above on the final day of a session, it shall then be placed at the foot of the calendar on that day.

54. RECALL OF BILL OR RESOLUTION FROM SENATE OR GOVERNOR. Upon motion, the House acting by the written message of the Clerk may request the return of a bill or resolution from the Senate. If a bill has been transmitted to the Governor, upon motion, the forwarding body acting by written message of the Clerk may request the return of the bill or resolution from the Governor.

55. BILL MAY BE RECOMMITTED. After commitment and report thereof to the House, at any time before its passage, a bill may be recommitted, provided the recommitment of the bill during the last seven (7) days of a session shall prohibit further consideration of the bill during that session unless recalled under Rule 53.

56. PRECEDENCE OF SENATE BILLS. Bills coming from the Senate shall have precedence of bills in the House on the same subjects.

57. CERTIFIED BY CLERK. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

58. BILLS TO BE EXAMINED BY CHIEF ENGROSSING CLERK. All bills passed in the House shall, before they are sent to the Senate, be examined by the Chief Engrossing Clerk, whose duty it shall be to examine all bills, amendments, resolutions or motions, before they go out of the possession of the House, and to make report that they are correctly engrossed, which report shall be entered in the Journal. The Chief Engrossing Clerk shall correct any misspelled words in such documents prior to transmission.

59. CONCURRENCE OF HOUSE IN SENATE AMENDMENTS. When a House bill is returned from the Senate with an amendment or a substitute for the House bill, the "ayes" and "noes" shall be called for on the concurrence in the amendment or the passage of the substituted bill and entered on the Journal of the House. No said amendment or substituted bill shall be considered as concurred in or passed unless a majority of the members to which the House is entitled shall have voted affirmatively therefor and the said vote shall have been entered on the Journal. Any measure coming from the Senate with an amendment or a substitute for the House bill shall lie over one (1) day except on the final two (2) legislative days of a session.

No measure coming from the Senate with an amendment or any other Senate action requiring House concurrence or non-concurrence shall be acted on by the House until the Chief Clerk has announced that the measure has been returned from the Senate requiring further action by the House. This announcement shall be made on the legislative day prior to consideration of the measure by the House under the order of unfinished business except during the final four (4) legislative days of the session. The Chief Clerk will see that an impact summary of the Senate action on the measure as prepared by the Office of Legislative Information Services is placed on a special Senate Message Calendar to be printed and placed on the members' desks on the legislative day immediately following the announcement. The impact summaries will appear in numerical order regardless of the nature of the measure.

60. AMENDMENTS TO BILLS. No amendment beyond the second degree shall be entertained, that is, an amendment to an amendment; and in all such cases, the vote on the respective amendments shall be had in the reverse order in which the same were made.

61. TABLING OF AMENDMENT KILLS SAME. When a motion to lay on the table an amendment, in the first or second degree, to a pending bill, resolution or other matter, prevails, it shall be a final defeat of the tabled amendment, and the further consideration of such bill, resolution, or other matter, may be at once continued.

62. NO RIDER. No amendment by way of a rider shall be received.

63. MOTION TO REJECT. When a bill receives a constitutional majority in the negative on a motion to pass on third and final consideration, or when a resolution receives a constitutional majority in the negative on a motion to adopt or concur on final consideration, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on a motion to pass on third and final consideration (or adopt or concur). I hereby declare the floor now open for a motion to reject." If a member makes the motion to reject, that motion and the bill or resolution in question will lie over the remainder of that legislative day and the Speaker will direct the Chief Clerk to place the bill or resolution in question at the heel of the regular calendar set for the next legislative day.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

When a bill or resolution is considered on the next legislative day, no other motion shall be in order until the motion to reject has been disposed of and the Speaker has declared the final status of the bill or resolution in question. If the motion to reject passes, the Speaker, after the announcement of the vote by the Clerk, shall say "(document type and number), having received a constitutional majority in the negative on the motion to pass on third and final consideration (or adopt or concur), and having received a constitutional majority in the affirmative on the motion to reject, I hereby declare (document type and number) rejected under the terms set forth in Article II, Section 19, of the Constitution of the State of Tennessee."

If no motion to reject is made, or if a motion to reject is made and fails to receive a constitutional majority, the Speaker shall re-refer the bill or resolution in question to the Committee on Calendar and Rules.

If the motion to reject as provided for in this rule is passed, then (a) pursuant to Article II, Section 19, Tennessee Constitution, no bill containing the same substance shall be passed into a law during this General Assembly, and (b) the motion to reconsider shall be out of order.

Motions to reject shall not be in order except as provided above.

64. MOTION TO RECONSIDER EVERY BILL MUST BE ACTED UPON. The Clerk shall transmit to the Senate no bill, resolution, message, report, amendment, or motion nor shall the Chief Engrossing Clerk present any bill or resolution to the Governor for his action until the motion to reconsider shall have been acted upon and said action entered on the Journal.

65. STANDING COMMITTEES. There shall be the following standing committees, each of which the Speaker and the Speaker Pro Tempore shall be voting members, to wit:

- (1) Agriculture
- (2) Children and Family Affairs
- (3) Commerce
- (4) Conservation and Environment
- (5) Consumer and Employee Affairs
- (6) Education
- (7) Finance, Ways and Means
- (8) Government Operations
- (9) Health and Human Resources
- (10) Judiciary
- (11) State and Local Government
- (12) Transportation

Provided, however, the Speaker Pro Tempore shall only vote when the Speaker is not present and voting, except on those two (2) standing committees to which the Speaker Pro Tempore has been regularly assigned.

There shall be a committee on Calendar and Rules to be composed of the Speaker, the Speaker Pro Tempore, the Majority Leader or such leader's designee, the Majority Caucus Chair, the Minority Leader or such leader's designee, the Minority Caucus Chair, two members each of the majority and minority parties appointed by and to serve at the pleasure of the Speaker, one (1) chair, one (1) vice chair, and one (1) secretary appointed by the Speaker under House Rule 7; and the chair of each standing committee listed above. It shall set the calendar and establish hours and places of meeting of the various standing committees. In establishing the hours and places of meeting of the various standing committees, the Committee on Calendar and Rules shall, insofar as possible, establish regular meeting times and days which shall avoid conflict among the various standing committees. No standing committee shall have more than thirty (30) appointed members. No member shall serve on more than two (2) standing committees, exclusive of the Committee on Calendar and Rules, the Joint Legislative Services Committee, and the Fiscal Review Committee, except the Speaker and the Speaker Pro Tempore who shall be voting members of all standing committees as stated in the rule (65). Provided, however, as set out in Rule 6, for purposes of the 101st General Assembly, as many as fifteen (15) members may be appointed to serve on the Children and Family Affairs Committee, as well as to serve on two other standing committees.

66. NO SPECIAL COMMITTEES - WHEN. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

67. MEETING OF COMMITTEES - WHEN. No committee of this House shall remain in session during the sessions of the House, unless by permission of a majority of members present. All committee meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the Chair, and the time and place of meeting shall be designated at the same time and shall conform with the schedule established by the Committee on Calendar and Rules under House Rule 65. Committee meetings held on days when the House is in recess or adjourned shall be announced in open session or by written notice, furnished to each member of the House not less than seventy-two (72) hours prior to the meeting time. Committee meetings may be called by the Chair of the Standing Committee, upon approval by the Speaker of the House when the House is in recess or adjourned and shall be called by the Committee Chair when petitioned in writing, signed by a majority of the members of the Committee. Notwithstanding any rule to the contrary, when the House of Representatives is not in floor session, standing committees, subcommittees, committees created pursuant to resolution, committees created pursuant to statute and ad hoc committees of the Regular Session are authorized to meet and conduct business during any extraordinary session of the General Assembly.

68. COMMITTEE OF WHOLE. In forming a Committee of the Whole, the Speaker shall leave the chair, and the Speaker shall appoint a Chair of the Committee of the Whole to preside.

69. PROCEEDINGS IN COMMITTEE OF THE WHOLE. Upon a bill being committed to a Committee of the Whole, the bill shall be read throughout by the Clerk, if demanded by any member, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and the line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be debated and amended by clauses before its final passage. The rules of the House shall be observed in Committee of the Whole so far as applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

70. AMENDMENTS IN COMMITTEE OF WHOLE. All amendments made to a report committed to a Committee of the Whole shall be noted and reported, as in the case of bills.

71. AMENDMENTS IN STANDING COMMITTEES AND BILLS INITIATED BY STANDING COMMITTEES. The standing committees may initiate legislation as a committee in addition to acting upon legislation referred to such standing committees. Such legislation initiated by the committee shall be introduced by the chair or the chair's designee and such other members of the committee as may wish to join therein.

When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House. Bills reported out of standing committees with committee amendments cannot be considered by the Committee on Calendar and Rules unless the committee amendment is attached thereto. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services. The Chair of said standing committee shall cause said committee amendment to be prepared and filed with the Chief Clerk within twenty-four (24) hours from the time the bill was reported out. The preceding two (2) sentences shall not apply to the General Appropriations Bill.

No later than twenty-four (24) hours prior to the time the bill recommended for amendment is scheduled for consideration on the floor of the House, the Chief Clerk shall cause the recommended amendment or amendments to be reproduced and a copy to be placed upon the desk of each member of the House. After the bill has been explained and its passage moved by the sponsor, the chair of the standing committee recommending the amendment, or chair's designee, shall then be recognized for the explanation of and debate on such amendment or amendments. It shall be the responsibility of the Chief Clerk to ensure that the foregoing procedures are observed in the consideration of amendments recommended by standing committees. It shall also be the responsibility of the Chief Clerk to denote clearly that such amendment or amendments were recommended in a standing committee and to write on the face of the amendment the committee which made the recommendation and the date on which the recommendation was made.

72. FISCAL MEASURES. Any bill or resolution having a fiscal effect of \$100,000.00 or more shall be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee. The Committee on Finance, Ways and Means may offer committee amendments relating to fiscal concerns only, and shall not offer amendments relating to other substantive portions of the bill. If the Committee on Finance, Ways and Means recommends the bill or resolution for passage, the bill or resolution shall be referred to the Committee on Calendar and Rules. No bill or resolution having a fiscal effect of \$100,000.00 or more shall be put upon final passage until the same has been referred to and recommended by the Committee on Finance, Ways and Means.

Should a standing committee recommend a bill for passage with an amendment or amendments which create a fiscal effect of \$100,000.00 or more then, the chair of the standing committee shall refer the bill along with the recommended committee amendment or amendments to the Committee on Finance, Ways and Means.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Should a floor amendment or amendments to a bill be adopted which cause a bill to have a fiscal effect of \$100, 000.00 or more and the bill not have been previously considered by the Committee on Finance, Ways and Means, then the bill shall be automatically referred from the floor to the Committee on Finance, Ways and Means.

73. CONFERENCE COMMITTEES. A motion for the appointment of a conference committee shall be in writing and shall state the purpose or purposes for which the committee is created. Every conference committee report shall refer to the motion by which the committee was created and shall set forth the instructions contained therein followed by the recommendations of the committee which shall conform to such motion and its instructions. No report of a conference committee or any part thereof shall be adopted and incorporated into pending legislation unless the same shall have received the affirmative vote of a majority of the members to which the House is entitled under the Constitution and a motion to reconsider shall have been acted upon and entered on the Journal.

74. CHANGE AND SUSPENSION OF RULES. The rules of the House may be altered, amended, or suspended by a two-thirds (2/3) vote of the members to which the House is entitled; a motion to alter or amend, but not suspend, the rules shall in all cases lie over one (1) day. This rule (Rule 74) may not be suspended on motion to alter, amend, or suspend the rules. A motion to suspend the rules shall be for a stated purpose and subsequent suspension of the rules shall be limited to that stated purpose.

75. ADJOURNMENT. Adjournment shall be to the hour of 12:30 p.m. on the following day unless otherwise specified by the majority of those members present and voting. During the last two (2) weeks of a session, the House shall convene at 9:00 a.m., recess at 12:00 noon, reconvene at 2:00 p.m., and adjourn on or before 7:00 p.m., unless otherwise specified by a two-thirds (2/3) vote of those present and voting.

76. ENTER RULINGS. The Clerk of the House shall enter on the Journal all rulings by the Speaker on points of order. The Clerk or any member may request that the Speaker submit such ruling in writing at the close of the day on which the ruling was made.

77. ACTION ON BILLS INTRODUCED AFTER 10th DAY. Any general bill introduced after the tenth (10th) legislative day the House convenes for the transaction of business in any regular legislative session, shall be prefiled for introduction and referred to the delayed bills committee. If approved by unanimous consent of the delayed bills committee, the bill shall be introduced.

Any bill prefiled but not receiving unanimous consent of the delayed bills committee may be called for by two-thirds (2/3) majority of the members to which the body is entitled under the Constitution, in which case it shall be introduced.

The Delayed Bills Committee shall consist of the Speaker, the Majority Leader, and the Minority Leader and shall meet at the call of the Speaker.

78. VETO. Upon receipt of a veto message and return of a bill or resolution from the Governor, or a receipt of a message from the Senate advising the House that a bill or joint resolution has been passed by the Senate, the Governor's veto to the contrary notwithstanding, the Clerk shall read the message and cause the same to be spread at large upon the Journal. Thereafter, the sponsor of the bill or resolution may, upon twenty-four (24) hours typewritten notice and within three (3) legislative days after the filing of said notice, except the last legislative day of any annual session such notice shall not be required, move the House under the item of Unfinished Business to pass the bill or resolution, notwithstanding the objections of the Executive. If the motion shall prevail by a favorable vote of a majority of the members to which the House is entitled under the Constitution, the bill or joint resolution shall then be transmitted to the Senate unless the same was originally received from the Senate subsequent to its prior approval.

Nothing in this rule shall serve to prohibit the filing of subsequent notices to move the House to pass the bill or resolution, notwithstanding the objections of the Executive, if affirmative action is not taken on the motion first noticed.

79. MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN. If any question shall arise which is not provided for in these rules, the same shall be governed by Mason's Manual of Legislative Procedure (latest edition existing on date of adoption of these rules), which is hereby adopted.

COMMITTEE RULES

of the

HOUSE OF REPRESENTATIVES

80. UNIFORM RULES OF COMMITTEES.

(1) The Chair, after advising with the vice chair and secretary, shall set the calendars for hearings before the standing committee, taking into consideration the necessity and importance of the legislation before the committee. Those bills and resolutions requested by the sponsors to go on the calendars shall first be placed on the calendars, provided that the chair, after advising with the vice chair and secretary, shall set the calendar for hearings on a reasonable number of bills or resolutions at each committee meeting. The requests by sponsors for their bills to be heard in the standing committees shall be filed with the standing committee or subcommittee as soon as practicable, but not later than 3:00 p.m. (CST) on the Wednesday preceding the next regularly scheduled meeting of the standing committee. The chair, after advising with the vice chair and secretary, shall have the authority to set on the calendars additional bills or resolutions not requested by the sponsors if, in the opinion of such officers, a reasonable number of measures has not been set for hearing. The standing committee shall electronically transmit the committee calendar (bills to be heard) for its next regularly scheduled meeting as early as practicable but not later than 4:30 p.m. (CST) on the same day. The Clerk's office shall publish these calendars as early as possible on the day following so that the sponsor of each bill or resolution scheduled for hearing shall be notified.

These notice provisions shall not apply to a bill or resolution transmitted by a standing committee to the Committee on Calendar and Rules for recommendation.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

(2) Prior to any scheduled standing committee meeting, the sponsor of any bill or resolution scheduled for hearing before said standing committee may request in writing that the chair of the standing committee set another hearing date, and the bill or resolution shall be rescheduled for hearing.

No bill or resolution can be considered in a standing committee without a sponsor as reflected in the House Journal.

Should the sponsor of a bill or resolution fail to appear before the standing committee when the bill or resolution has been scheduled two (2) times for a hearing, then the bill or resolution shall be returned to the desk of the Clerk of the House. After a bill or resolution has been sent back to the Clerk's desk, the sponsor of the legislation may appeal to the Speaker to re-refer the proposed legislation; and the Speaker shall have the discretion as to what action shall be taken.

(3) All bills or resolutions not considered controversial in nature may be placed on the committee consent calendar by the chair, after advising with the vice chair and secretary, provided the sponsor does not object. Any member of the standing committee may object to bill or resolution placed on the Committee Consent Calendar, and if objection is raised, the bill or resolution shall be removed from the Committee Consent Calendar and thereafter shall be acted upon by the standing committee.

The Committee Consent Calendar shall be printed and posted in regular places at least seventy-two (72) hours in advance of the time set for consideration of such calendar so that each member of the House may know the status of the legislation pending before the standing committee.

(4) Standing committees of the House shall meet at the times and places specified in the official committee schedule adopted pursuant to House Rule 65.

(5) A standing committee may hold a special committee meeting with approval of the Speaker at a time and place other than that specified in the official schedule of committee meetings. All special meetings, except meetings held when the House is in recess or adjourned, shall be announced in open session by the chair of the committee. Special meetings held on days when the House is in recess or adjourned shall be announced in advance in open session or by written notice furnished to each member of the House not less than seventy-two (72) hours prior to the meeting time.

(6) If a regular scheduled meeting of a standing committee is canceled, the chair shall announce such cancellation in open session of the House prior to the time fixed for the meeting if possible. If it is not possible for the chair to announce such cancellation in open session, all members of the House shall be given written notice or shall direct the committee staff to make every effort to notify each member of the committee and any other members of the House likely to have business before the committee of such cancellation.

(7) A quorum shall consist of a majority of the members of a given standing committee.

(8) Committee meetings shall be open to the public at all times unless the business of the committee concerns itself with matters of national or state security or the investigation of a proposed impeachment, which, in each separate instance, shall be determined by a three-fourths (3/4) majority of the committee members present and voting.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

(9) When a standing committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee chair shall cause such committee amendment or amendments to be prepared in proper typewritten form and filed with the Chief Clerk of the House as soon as is practicable. The amendment or amendments should be properly designated as having been recommended in committee and should be signed by the committee chair or the chair's designee before being presented to the Chief Clerk who shall then observe the rules of the House in causing such amendment or amendments to be printed and distributed to all members of the House. No committee amendments shall be accepted by the Chief Clerk for filing unless said amendment is labeled with a system entry code assigned by the Office of Legal Services. The Calendar and Rules Committee shall not consider any bill recommended by a standing committee until any amendment or amendments adopted by the standing committee have been attached to the bill. The chair shall be responsible for having such amendments delivered within twenty-four (24) hours in typewritten form to the Chief Clerk, who shall attach such amendments to the bill.

(10) No bill or resolution shall be reported from a standing committee unless it shall have received a recommendation for passage as written or for passage with a recommended amendment by a majority of those members of the committee present and voting thereon, a quorum being present. All votes constituting final action on any bill or resolution shall be by roll call vote, and a roll call vote shall be taken at the request of the sponsor of the bill or resolution under consideration or at the request of any three (3) members of the committee. Every bill or resolution reported out of the committee shall contain on the cover a notation in ink, signed by the chair, or other presiding officer, recommending the measure for passage as written or recommending it for passage with an amendment or amendments recommended by the committee. If a motion to recommend a bill or resolution has been voted on by a standing committee two (2) times and has failed to pass, then the same shall not be considered by the committee again during that annual session. This rule shall also apply to the Committee on Calendar and Rules.

(11) A written report of the action taken in reporting bills or resolutions out of committee shall be prepared under the direction of the committee chair and submitted promptly together with the bills and resolutions and committee amendments, if any, to the Chief Clerk of the House.

(12) The Chief Clerk shall be responsible for the safe delivery of bills to any meeting of the committee and for their return following the meeting but may delegate such responsibility to one of the Chief Clerk's Office staff.

(13) A standing committee chair may create such continuing or ad hoc subcommittees as the chair considers necessary and appropriate to deal with designated subjects within the scope of the subject jurisdiction of the committee. But there shall be no more than four standing subcommittees in each standing committee. No ad hoc committee shall have the power to kill a bill. The committee chair shall appoint members to any subcommittee so authorized and shall name the chair thereof, however no such subcommittee shall have fewer than five (5) members.

A subcommittee of a standing committee shall have authority to consider only such bills, resolutions, or subjects as may be assigned to it by the standing committee which created it. Such a subcommittee shall report only to the standing committee chair unless directed otherwise by the House. No subcommittee may meet while the standing committee of which it is a part is in session without the consent of the standing committee.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

If the chair of a standing committee deems it appropriate after advising with the vice chair and secretary, to assign a bill to a subcommittee, said bill must be assigned to such subcommittee within five (5) legislative days after its passage on second consideration and referral to standing committee, or following the receipt of a fiscal note if said bill is referred to the committee on finance, ways and means unless otherwise provided by law.

If the chair of a standing committee deems it appropriate, after advising with the vice chair and secretary, to assign a bill or resolution which has been referred to it after recommendation for passage by another standing committee to a subcommittee, said bill must be assigned to such subcommittee within seven (7) calendar days of its receipt.

When a bill or resolution is assigned to a subcommittee by the chair of a standing committee, the subcommittee chair, the sponsor, the chief clerk, and the director of legislative information services shall be notified electronically by the chair of the assignment, of said bill, the date of assignment, and the name of the subcommittee.

The request of the sponsor for a bill or resolution to be heard by a committee or subcommittee shall be filed with the standing committee. The chair of the standing committee shall electronically notify the chair of the subcommittee that the sponsor has requested the bill or resolution to be heard. The chair of said subcommittee shall set and publish the date and the calendar of bills to be heard and shall electronically and by printed calendar notify the sponsor of bills or resolutions to be heard, the chief clerk, and the director of the Office of Legislative Information Services.

The chair of the standing committee or the subcommittee shall provide copies of the calendar and electronic notice of bills to be heard to the chief clerk and the director of legislative information services.

An electronic report of the action taken by a subcommittee on each bill or resolution which it considers shall be prepared by the chair of said subcommittee and submitted to the chair of the standing committee, the chief clerk, and the director of the Office of Legislative Information Services.

When a bill or resolution is reported from a subcommittee, said bill or resolution shall be placed by the chair of the standing committee on the calendar of the next scheduled meeting of the standing committee unless the sponsor of said bill or resolution requests in writing that the chair of the standing committee set another hearing date.

At any time after a bill or resolution has been acted upon by a subcommittee any member of the standing committee may move to recall the bill or resolution from the subcommittee by presenting the motion in writing to the committee chair. The motion shall be scheduled to be heard at the beginning of the standing committee's next meeting, provided the notice is timely filed under Rule 80(1) so it can be printed on the committee calendar. If the motion carries by a majority of the members entitled to vote at a meeting of the committee then the bill or resolution shall be placed on calendar for the next meeting of the committee. No such motion shall be considered during the final meeting of a committee during a session.

(14) A motion to reconsider any committee action shall be determined by a majority of the committee members entitled to vote at a meeting of the committee. It shall be treated as a simple motion to reconsider, and its effect shall be the same.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

(15) No proxy votes shall be permitted in a standing committee for any purpose.

(16) The vote of the chair of a standing committee shall be recorded in the manner and time as any other member of the committee.

(17) If a member of a standing committee will be unable to attend said meeting, that member shall request an excused absence from the chair. If any appointed member of a standing committee is absent from two (2) regularly scheduled meetings of the committee without being excused by the chair, the chair shall report such absences to the Speaker of the House.

(18) In the absence of a quorum, the chair or other presiding officer shall have authority to direct the Sergeant-at-Arms to secure the presence of a sufficient number of members to constitute a quorum.

(19) In the absence of any express designation or appointment of any officers of a joint committee or joint subcommittee, the members thereof shall elect a chair and such other officers as are considered necessary by the committee.

(20) All committee minutes shall reflect attendance of members. Members shall be paid in accordance with the provisions of the law governing payment of per diem allowance to members of the General Assembly. The chair of each standing committee is charged with the duty and responsibility of providing and certifying to the Speaker the roll call vote of such committee and a listing of those sponsors appearing before the committee seeking action on their bills or resolutions.

ADOPTION OF TEMPORARY RULES

Rep. Hargrove moved that the Report of the Ad Hoc Rules Committee for the 101st General Assembly be adopted and that the foregoing be made the Temporary Rules of the House; the motion, seconded by Rep. Rinks, prevailed.

A motion to reconsider was tabled.

CHAIR TO PRO TEMPORE

Representative Lois DeBerry, Speaker Pro Tempore of the One Hundredth General Assembly, assumed the chair and announced that the next order of business was the election of Speaker of the House of the One Hundred First General Assembly.

ELECTION OF SPEAKER

Speaker Pro Tempore DeBerry announced that nominations were in order for Speaker of the House of Representatives for the One Hundred First General Assembly.

Representative Rinks nominated the Honorable Jimmy Naifeh of Tipton County.

Representatives U. Jones and Davis (Cocke) seconded the nomination.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

There being no further nominations, Representative Hargrove moved that nominations cease and that the Clerk be directed to call the roll, which motion prevailed.

The roll was called with the following results:

For Mr. Naifeh. 97

Pass. 2

Representatives voting for Mr. Naifeh were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives passing were: Dunn, Kerr -- 2.

Speaker Pro Tempore DeBerry announced that Rep. Naifeh, having received a constitutional majority of the votes cast, was declared duly, legally and constitutionally, elected Speaker of the House of Representatives of the 101st General Assembly.

A motion to reconsider was tabled.

OATH OF OFFICE

The Oath of Office was administered to Speaker Naifeh by the Honorable Janice Holder, Associate Justice, Tennessee Supreme Court, as prescribed by the State Constitution and the Statutes of Tennessee.

Speaker Naifeh expressed his appreciation and addressed the body with the following remarks.

ADDRESS TO THE HOUSE OF REPRESENTATIVES

SPEAKER JIMMY NAIFEH

JANUARY 12, 1999

Speaker Pro-tem DeBerry. Majority Leader Hargrove. Minority Leader McDaniel. To my distinguished colleagues who have served before in this Chamber and to those members who are here for the very first time. To my wife Betty, my son Jim, my daughter Beth and her husband Joe, and my daughter Sameera and her husband Brunswick. To all of you here today. And especially to my dad, Mr. Oney.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Thank you, members of the 101st General Assembly, for the honor of allowing me to serve the great state of Tennessee as the Speaker of the House of Representatives. I appreciate your friendship, I appreciate your support, and I appreciate the confidence you have placed in me. I value your opinions and I believe in your abilities. It is a privilege to serve with you.

Just eight short days ago, the men's football team from the University of Tennessee made history; a team made up of some very fine young men completed what can truly be called a memorable run through a season, capping it off by being named the best in the country.

Certainly for true Big Orange fans, it was a day that will always be remembered. For most everyone else in the State, I hope that the victory caused you to at least feel some sense of pride in the accomplishments of the students of one of our state universities. Winning the national championship means you are the best; the Lady Vols can certainly tell you that and the sun shines a little brighter (maybe a little more orange, too), the air is a little sweeter, the sky is a little bluer.

What is wrong with being the best? Nothing.

What is wrong with the citizens of this State having the best health care options? What is wrong with Tennessee being known nationally for its efforts to prevent crime? What is wrong with Tennessee striving to have the best educational opportunities for our children?

There is nothing wrong with any of those goals.

By running for office, you here today have chosen to participate in the governance of the State of Tennessee. You are here today because you want to be here. And because the people who live and vote in your districts want you to be here as well.

And, I would believe, that you are here because you want only the best for the citizens of the State.

You have joined a team that has great responsibilities. A team that was sent here to work hard and to do what is right.

I have been impressed with how this body, the House of Representatives, has worked hard in the last several sessions to function without unnecessary gridlock, to work in a cooperative spirit, and to pass what this membership feels is best for the State. We do, at times, have partisan disputes, but those are few and far between. When it comes to what is best for the citizens, we work together to get things done.

We welcome ten new members today to this body. Today truly begins a new chapter in your lives. Every time you vote, you are representing over fifty thousand people. Be careful how you reach your decisions on issues. Take the time to make sure you understand the matters being discussed. You should also use the resource tools that are available to you. We have, in the past few years, upgraded our staff in order to provide the membership with new and improved research capabilities; we also have one of the finest legal services divisions anywhere in the country. These folks are here to help you. Take advantage of their talents and abilities; it will help make you a better legislator.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

The General Assembly also voted last year to provide the membership with computer capability at your desk and from your offices. This capability is meant to provide you with quick access to relevant information concerning legislation. You will have immediate access to the Tennessee Code, fiscal information about a proposed bill, pre-filed amendments, and other relevant information. Learn how to use these tools effectively; we talk about being in an ever-changing world of technology--well, it has finally caught up with the General Assembly.

I would also encourage you to work at getting along with each other. Good relationships are very important here in helping to get things done. I have always felt that if you sit down and discuss matters with each other, you have a much better chance of getting something accomplished.

We have a great deal of work to do. It is time to get down to business.

To begin with, I, as Speaker, will be implementing one important procedural change this year. We have heard complaints for years about the length of session, the large number of bills that are held until the end of session, as well as the large number of bills filed in general. I asked staff to look over this issue during the past year to see if we could come up with a more efficient way of operating.

After reviewing the information from staff, it appears that maybe the number of bills isn't necessarily the problem but the delay in getting the bills before us is. Too many of our bills are rolled over and over again causing large calendars at the end of our session; too many of our bills are never put on notice until very late. Subcommittees are slow in shutting down which in turn causes our full committees to have to wait to complete their business. I am, therefore, forming a committee made up of the Majority and Minority Leaders, along with the two Caucus Chairs, the Speaker Pro Tem and myself which will meet after the bill filing date and after all bills have been assigned to their respective subcommittees, to set time limits on how long the subcommittees will be open. For example, if it turns out that the Industrial Impact Subcommittee has fifty bills assigned to it, we might assign that Subcommittee five weeks to complete their business. The same would go for other subcommittees as well. This would cut down on the number of times a bill could be rolled. It would also force the membership to put their bills on notice.

This is obviously a change from how we have done business in the past. But if we are to be the best we can possibly be as a body, we have to be willing to change to become more efficient.

I have also asked staff to implement a system to make the House of Representatives more people-friendly. If you notice today, this session is being broadcast outside the chamber. Staff is working on ways to provide live broadcasts of session, either through a television hookup or through the internet, allowing people all across the State to follow the Legislature.

We are also working on new brochures and pamphlets that will soon be available outside the Committee hearing rooms. These guides will provide important information to citizens about how the House functions, along with relevant information about how to contact your Representative and how to go about testifying before a committee.

It is important to me that we change with the times. As we approach the new millenium, we have to continue to seek ways that will make us the best representative democracy we can be.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

The new millenium brings excitement and in many ways a new hope for a better and brighter tomorrow. But as I look towards the new century, I am also reminded that many of the issues that were relevant at the turn of the last century are still relevant today. I would like to talk about four such issues: health care, safety, our children, and the State's economy.

We have all heard the concerns expressed by our citizens about the need for choice in long term health care. As people live longer, the need for more services becomes apparent. It is important to acknowledge the role that nursing homes have played for so many years in dealing with folks who need long term care. But as more and more people reach that age where they must begin looking at long-term needs, many citizens are indicating that they would rather receive care at home.

In many circumstances, the choice to stay home may, in fact, be cheaper for many people, as well as for the State. That is a fact that cannot be ignored. Tennessee currently ranks right next to the bottom in terms of State spending on long term home and community health care. That is not something that we in the State should be proud of. Tennesseans all across this State are asking that we provide the mechanisms to give them a choice in the matter. And I believe that we should listen to them.

People change and their needs change. We must be willing to address those changes and work to accomplish what the citizens want. Long term home and community health care options must be addressed this year. We need to give our citizens the best possible choices in long term care.

Another issue that needs immediate attention is the TennCare program, both the initial health care aspect and the mental health part. I read stories where TennCare seems to be having trouble; it is such a complicated program, however, that it is difficult to understand just where all the problems are. It is the responsibility of the Ad Hoc Committee on TennCare to monitor this program. I am today calling on that Committee to begin an immediate review of the whole program to make sure that we are proceeding in the right direction. I know that there is a current study by the Comptroller's Office in the works; I am asking, however, that the Ad Hoc Committee, co-chaired by Rep. Doug Jackson, start now.

When TennCare was first created, it was considered by many people in this country to be one of, if not the best program in the country, in dealing with the Medicaid population. We owe it to the people of this State who need this Program as well as to the citizens who pay for it to make sure that it is in proper working order; to make sure that it is the best program available for serving folks on Medicaid as well as the uninsurable population.

Based upon what I have read, it appears that crime rates are dropping across the State. In many ways, the credit for that drop goes to the dedicated individuals who work as law enforcement officers. I applaud their efforts; they are to be commended for the outstanding work they do. But just because the crime rate drops does not mean that our work is done. We must continue to find ways to stop crimes from ever occurring. More police protection is one answer. Last year, the General Assembly passed the Safe Neighborhoods Act which provided funds for local communities to hire more police officers. The response has been phenomenal. I call on this body to fund again the Safe Neighborhoods Act and to continue in our efforts to make our streets safe. The same holds true for the funds allocated for the Safe Schools Act--those funds are being used all across the State to help make our schools safer for our young people.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

But we should and have to do more. The best time to stop a crime is before it ever happens. We spend huge sums of State taxpayer money on locking prisoners up--and as long as there are violent offenders, we must. But the problem with that whole notion is that the money is being spent after the crime has already occurred--after someone or something has already been hurt. That unfortunately is too late for the victims.

I am today calling upon the Department of Children Services to provide to both the House Committee on Children and Family Affairs and the Select Committee on Children and Youth a simple, straightforward report, no later than February 15, 1999, indicating what moneys are being spent on intervention programs for young people in Tennessee and how successful those programs appear to be. I then want those Committees to report to the entire body as to steps this Legislature can take to make some of these programs more successful. We must do everything within our power to stop crimes before they ever occur. If intervening with young people can help reduce crime, then we ought to do it. We need to make Tennessee the best state in the nation both when it comes to protecting its citizens and reducing crime.

Our children and their future must always be an issue for us to consider. There is no reason, for example, that we can't provide our children with the best in public education. We just finished putting over a billion new dollars into our schools through the full funding of the Basic Education Program--and yet we still hear stories of inadequate computer facilities and classrooms with no heat or air conditioning. I am not sure of how large a problem we have, but I think we owe it to the citizens of this State to find out. I am therefore calling on our Education Committee to work with Commissioner Walters and the Department of Education to conduct a statewide check on our K-12 schools to determine what legitimate problems we still have existing in our schools.

Another area of concern regarding children is the foster care program. Commissioner Hattaway, who I have great respect for, has stated that there is a problem with Tennessee's foster care system. It takes, in many instances, real courage to stand up before a Legislative Committee and admit that there are problems. But there may be nothing worse in our society than a child who cannot find love and care in a family. These children, when placed in foster care, must be given the chance to succeed, whether through being reunited with their family or being adopted by a new family. I want these kids to have the best opportunity to be loved. And we as a body should not stop until we know that a system is in place to provide the best opportunity for that. I am therefore appointing a five member special task force to go out and find what is happening within the foster care program and then seek out solutions to make the system work. I am appointing Rep. Page Walley as Chairman to lead that study, along with the following members:

Butch Lewis
Beth Harwell
Mary Pruitt
Joe Kent

I expect the Committee to start immediately and to report back no later than March 31, 1999.

Many of you may have noticed this past year that you as well as your constituents spent many hours sitting on the interstates. That is bad for your constituents and it is also bad for this state's economy. Many members of the public as well as many members of the House could not understand why traffic was being delayed or brought to a complete standstill when no work was being done. It appeared to them that there were a lot of barrels blocking open lanes of traffic with not much roadwork activity. Is this the best our transportation system can be?

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Roads are vital to this state's economy. They keep commerce flowing, allow people to get to and from their jobs, and they accommodate new businesses that want to locate in Tennessee. Yet we don't seem to get much help from our own Department of Transportation. They may show you a lot of numbers on paper, but it may be more fluff than substance.

Then I hear from my own County Executive that new money coming from the federal government can't be shared with local communities for their roads because DOT just cannot seem to spare the funds. Yet, DOT takes in over \$1.2 billion dollars each year for its operation. That is close to 10% of the entire state budget. I would hope that there are plenty of funds available for needed road improvements; I, along with many of you, attempted to make sure of that when we sponsored and helped pass the bill that provides for our "pay as you go" road program.

We get gripes every year from people all over the State that they cannot get responses from DOT on railroad crossings, on flood damages caused by road construction, on projects that appear to be promised but never occur.

My friends, government is here to serve the people not work against them. We, as Government, need to listen more to the people we serve than attempt to always supply them with answers.

The roadbuilders in this State do a great job for us. Our completed roads are great, better than in many states I have been in. But something does not seem to be right at DOT.

I am hereby appointing a Special Ad Hoc Committee made up of Representative Tommy Head, who will serve as Chairman, Frank Buck, Charlie Curtiss, Dennis Roach, and Ronnie Davis to review the structure of the Department, the way they set up their priorities, and their overall budget. I want to know where they spend their money, and who decides how it is spent. We have a responsibility as the overseers of the taxpayer's money to make sure that it is not being wasted. I want to make sure it is being spent for the benefit of our citizens.

I am asking the Comptrollers Office and our Legislative Budget office to work with the Ad Hoc Committee in conducting this full review of the Department of Transportation. I have heard in the past that some of that information has been difficult to obtain—I am calling on the Commissioner of Transportation to give his full assurance that all records and information will be made open to these folks so that can they do their jobs.

Our roads are vital to the State and its economy. Let's make sure that our State roads are being built to serve our citizens and to make our economy the best it can possibly be.

As you can tell, we have a great deal of business ahead of us this year. I am proud of what we have accomplished in the last eight years and look forward to the next two years. I appreciate the confidence that you have placed in me by allowing me to serve as your Speaker again.

As Speaker, my pledge to you has always been the same. My door is always open to you. I will always try to be fair and impartial in my dealings with you. And I will always try to do my best in making this General Assembly one that every citizen in this State can be proud of.

My hat goes off to the football team at UT as it does almost every year to the Lady Vols. I congratulate them on their drive for perfection; for their thirst at being the best. And I say to you today, we should hold ourselves to no less of a standard. The best for our citizens is what we must strive for. I call on all of you today to join me as we work to meet that challenge.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

Let's get to work.

Thank you.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

ELECTION OF SPEAKER PRO TEMPORE

The Speaker announced that the next order of business was the election of a Speaker Pro Tempore and declared that nominations were in order.

Representative Armstrong nominated the Honorable Lois DeBerry of Shelby County.

Representatives Bowers and Ferguson seconded the nomination.

There being no further nominations, Representative Hargrove moved that the nominations cease, and that the Clerk be directed to call the roll, which motion prevailed.

The roll was called with the following results:

For Rep. L. DeBerry	97
Pass	2

Representatives voting for Rep. L. DeBerry were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives passing were: Dunn, Kerr -- 2.

Speaker Naifeh announced that Representative Lois DeBerry, having received a constitutional majority of the votes cast, was declared duly, legally and constitutionally, elected Speaker Pro Tempore of the House of Representatives of the 101st General Assembly.

A motion to reconsider was tabled.

OATH OF OFFICE

The Oath of Office was administered to Speaker Pro Tempore DeBerry by the Honorable Janice Holder, Associate Justice, Tennessee Supreme Court, as prescribed by the State Constitution and the Statutes of Tennessee.

REMARKS OF SPEAKER PRO TEMPORE

To Speaker Naifeh, the Leadership of both Parties and Members of the 101st Tennessee General Assembly, first let me thank you for your vote of confidence in re-electing me as Speaker Pro Tem.

A great writer once wrote, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and strong, because someday in life you will have been all of these."

And as we organize ourselves, and begin setting our legislative priorities, it is clear that we are elected to serve. Though we all strive to separate our personal lives from our professional ones, the loss of loved ones always takes a toll. With regrets, more than words can convey, I mourned the death of my mother whom I lost two months ago. A strong willed woman who gave me strength, inspiration, and unconditional love. I am grateful to have had the compassion and empathy of friends and colleagues. Yet, in the moments of a mother's passing, we will become once again, simply children.

Now more than ever, as we approach the dawn of the 21st century: all of us parents, families, schools, churches, community organizations, government leaders and legislators, must work together to ensure that all of our young people have access to the opportunities and resources needed to reach their God-given potential.

We have so often in the past heard those who resist change say, we cannot legislate matters of the heart. How true, ignorance, hatred, greed, and envy are far beyond the scope of any bill we can enact or any resolution we can pass. But, it remains our abiding duty to fulfill the roles we have within this legislature to keep our eye upon the still distinct share of equality. It is our responsibility to steer our state toward the common purpose of fostering a society that values the sanctity of life.

We live in an age of unprecedented possibilities, therefore as we plan for the challenges ahead; we must renew our commitment to excellence in education, protect the health of our children and strengthen America's families.

We cannot afford to continue to criminalize poverty or abandon our belief in redemption. If we do, what kind of future will we leave? Think about it. Every night someone goes to bed and says, "Dear Lord, be good to me." The sea is so wide and my boat is so small."

So together, let us roll up our sleeves, and get to work. Roll up our sleeves for the sake of our children. Roll up our sleeves for the sake of the elderly. Roll up our sleeves for the sake of constituents who sent us up here not to make a statement, but to do what ever it takes to make our community better. Roll up our sleeves so that when we get to the millenium our constituents will be able to say that you made a difference, but most importantly, you can say I made a difference. Thank You.

APPOINTMENT OF HOUSE OFFICERS

Speaker Naifeh appointed Mr. Burney T. Durham of Sumner County as Chief Clerk.

Speaker Naifeh appointed Ms. Betty Kay Francis of Rutherford County as Chief Engrossing Clerk.

Speaker Naifeh appointed Mr. Victor Thompson of Coffee County as Interim Chief Sergeant-at-Arms.

Speaker Naifeh appointed Mr. Eddie Davidson of Cumberland County as Assistant Chief Clerk.

OATH OF OFFICE

Speaker Naifeh administered the oath of office to Mr. Durham, Ms. Francis, Mr. Thompson, and Mr. Davidson.

APPOINTMENT OF SELECT COMMITTEE

On motion of Representative Hargrove, a committee was appointed by the Speaker to notify the Governor that the House of Representatives had perfected its organization and was ready for the transaction of business.

The Speaker appointed the following committee: Representatives Langster, Phillips, Givens, Hassell, Kent, and Cole (Carter) with Representative Langster serving as chair.

APPOINTMENT OF SELECT COMMITTEE

On motion of Representative Hargrove, a committee was appointed by the Speaker to notify the Senate that the House of Representatives had perfected its organization and was ready for the transaction of business, which motion prevailed.

The Speaker appointed the following committee: Representatives Sherry Jones, Phelan, Buck, Wood, Davis (Cocke) and Beavers with Representative Sherry Jones serving as chair.

The Speaker asked the select committees to retire to their respective tasks.

MOTION TO RECESS

On announcement by Speaker Naifeh, the House stood in brief recess.

RECESS EXPIRED

The recess having expired, Speaker Naifeh called the House to order and Rep. Hargrove moved that the roll call be dispensed with, which motion prevailed.

REPORT OF SELECT COMMITTEES

Representative Langster reported to the House that the Governor had been notified that the House had perfected its organization and was ready for the transaction of business.

Representative Sherry Jones reported to the House that the Senate had been notified that the House had perfected its organization and was ready for the transaction of business.

APPOINTMENT OF SELECT COMMITTEE ON RULES

Representative Hargrove moved that the Speaker appoint a committee for the purpose of reviewing the temporary rules of the House and making any other suggestions concerning rule changes, following which the Select Committee on Rules shall report to the House their recommendations for Permanent Rules for the House of Representatives of the One Hundred First General Assembly, which motion prevailed.

Speaker Naifeh appointed Representatives Hargrove, Chairman, McDaniel as Vice-Chairman, and Speaker Pro Tem DeBerry, Representatives Chumney, Arriola, Kisber, Miller, Phillips, Rinks, Boyer, Sargent, Scroggs, Ford, and Speaker Naifeh. He appointed the Chief Clerk to serve as Secretary of the Committee.

APPOINTMENT OF ETHICS COMMITTEE

Speaker Naifeh appointed the following members to the House Ethics Committee: Representative Kisber, Chairman; Representatives Hargrove, Speaker Pro Tem DeBerry, Rinks, McMillan, Cole (Carter), Hassell, Kent, and Wood.

The Speaker announced that he had appointed the following Committee to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury: Representatives Rhinehart, Hargrove, and McDaniel.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 13, 1999:

House Joint Resolution No. 3 -- Memorials, Personal Achievement - Auburn and Frances Painter, "Mr. and Mrs. Democrat" award recipients. by *Lewis, *Fraleay.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1** -- Election Laws - Revises deadline for additional candidates to qualify for election following death or withdrawal of candidate from 30 to 40 days; requires that candidate who dies within 40 days of election remain on ballot. Amends TCA Section 2-05-101(g); Section 2-5-204(e) and Section 2-13-204(c). by *Hargrove.

***House Bill No. 2** -- Statutes - Codifies public acts of 1998. by *Hargrove.

***House Bill No. 3** -- Motor Vehicles, Titling and Registration - Authorizes issuance of new specialty earmarked license plates commemorating University of Tennessee Volunteers football team's 1998-1999 national championship. Amends TCA Title 55, Chapter 4. by *Lewis, *Ferguson, *Arriola, *Curtiss, *Windle, *Eckles, *Williams (Williamson), *Rhinehart, *Davidson, *Stulce, *Hood, *Fowlkes.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 1 out of order, which motion prevailed.

House Joint Resolution No. 1 -- General Assembly, Joint Conventions - Calls joint convention on Wednesday, January 13, 1999, at 9:30 a.m. for purpose of electing comptroller of the treasury and state treasurer. by *Hargrove, *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

ENGROSSED BILLS
January 12, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

MESSAGE FROM THE SENATE
January 12, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 4, 5, and 17; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 4 -- General Assembly, Joint Conventions - Provides for counting votes and declaring results of November election for governor during joint convention to elect comptroller and state treasurer. by *Crutchfield.

Senate Joint Resolution No. 5 -- General Assembly, Joint Conventions - Calls joint convention for purpose of inaugurating Honorable Don Sundquist as Governor on Saturday, January 16, 1999. by *Atchley, *Crutchfield.

Senate Joint Resolution No. 17 -- Memorials, Public Service - Knox Walkup, Attorney General and Reporter. by *Wilder, *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 4 out of order, which motion prevailed.

Senate Joint Resolution No. 4 -- General Assembly, Joint Conventions - Provides for counting votes and declaring results of November election for governor during joint convention to elect comptroller and state treasurer. by *Crutchfield.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 5 out of order, which motion prevailed.

Senate Joint Resolution No. 5 -- General Assembly, Joint Conventions - Calls joint convention for purpose of inaugurating Honorable Don Sundquist as Governor on Saturday, January 16, 1999. by *Atchley, *Crutchfield.

On motion, the rules were suspended for the immediate concurrence in the resolution.

TUESDAY, JANUARY 12, 1999 -- FIRST ORGANIZATIONAL DAY

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 17 out of order, which motion prevailed.

Senate Joint Resolution No. 17 -- Memorials, Public Service - Knox Walkup, Attorney General and Reporter, by *Wilder, *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, with the request that all members voting aye be added as sponsors, the resolution was concurred in.

A motion to reconsider was tabled.

ROLL CALL

The roll call was taken with the following results:

Present.....99

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Wednesday, January 13, 1999.